



U.S. DEPARTMENT OF THE TREASURY

FREEDOM OF INFORMATION ACT

ANNUAL REPORT TO THE ATTORNEY GENERAL

FOR FISCAL YEAR 2009

Disclosure Services

January 5, 2010

# **DEPARTMENT OF THE TREASURY**

The Departmental Offices (DO)

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Office of the Comptroller of the Currency (OCC)

Bureau of Engraving and Printing (BEP)

Financial Management Service (FMS)

Internal Revenue Service (IRS)

United States Mint (MINT)

Bureau of the Public Debt (BPD)

Office of Thrift Supervision (OTS)

Treasury Inspector General for Tax Administration (TIGTA)

Financial Crimes Enforcement Network (FinCEN)



U.S. DEPARTMENT OF THE TREASURY  
FREEDOM OF INFORMATION ACT ANNUAL REPORT  
FOR FISCAL YEAR 2009

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I. BASIC INFORMATION REGARDING REPORT.

This is the Fiscal Year 2009 FOIA Report for the Department of the Treasury. For purposes of administering the FOIA, the Department is divided into 10 bureaus. Each bureau is responsible for those records under its control, and each bureau will post its report on its own web site. Disclosure Services prepared the report in collaboration with the bureau FOIA Officers.

**Questions about the report may be directed to:**

Hugh Gilmore, Departmental Disclosure Officer

Disclosure Services

Ph: 202/622-0930; Fax: 202/622-3895

Address:

FOIA Request

Disclosure Services

Department of the Treasury

Washington, DC 20220

**Treasury Department FOIA Home Page:** [www.treas.gov/foia/](http://www.treas.gov/foia/)

Paper copies of this report may be obtained by contacting Disclosure Services

or by downloading from the Treasury FOIA website at:

<http://www.treas.gov/foia/reports/index.html>, "FY 2009 FOIA Report to the Attorney General."

## I. MAKING A FOIA REQUEST.

The Department of the Treasury's [Guide to Accessing Treasury Records](#) is available at [www.treas.gov/foia/](http://www.treas.gov/foia/), or by contacting Disclosure Services, as described above.

### 1. Names, addresses, and numbers of Treasury bureau FOIA officers.

#### *Departmental Offices (DO)*

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#### *Bureau of the Public Debt (BPD)*

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 Internal Revenue Service  
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2. Brief description of why some requests are not granted and an overview of certain general categories of the Department's records to which the FOIA exemptions apply.

The most common reasons reported by the bureaus regarding why requests for records could not be granted were: (1) protecting personal privacy; (2) deliberative process privilege; (3) the records reflected the internal practices involved in investigations or inspections; (4) the records contained confidential taxpayer information and other statutorily protected information; and (5) the records contained contractor confidential and proprietary commercial information. Others: records did not exist; procedural requirements were not followed.

### III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

#### 1. Agency-specific acronyms or terms used in this Report:

BEP	Bureau of Engraving and Printing
BPD	Bureau of the Public Debt
DO	Departmental Offices
FinCEN	Financial Crimes Enforcement Network
FMS	Financial Management Service
IRS	Internal Revenue Service
MINT	United States Mint
OCC	Office of the Comptroller of the Currency
OTS	Office of Thrift Supervision
TIGTA	Treasury Inspector General (Tax Administration)
TTB	Alcohol and Tobacco Tax and Trade Bureau

#### 2. Basic Terms Used in This Report

- a. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
- b. **Average Number** – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.
- c. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
- d. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
- e. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.

- f. **Exemption 3 Statute** – a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
- g. **FOIA Request** – a FOIA request is generally a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves (i.e., “first-party” requests) when those requesters are not subject to the Privacy Act, such as non-U.S. citizens. Moreover, because all first-party requesters should be afforded the benefit of both the access provisions of the FOIA as well as those of the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not however, include records for which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

- h. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request.
- i. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
- j. **Median Number** – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
- k. **Multi-track processing** – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  - i. **Expedited processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.



- ii. **Simple request** – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
    - iii. **Complex request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
  - 1. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the records and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
  - m. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
  - n. **Perfected Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
  - o. **Processed Request or Processed Administrative Appeal** – a request or administrative appeal for which an agency has taken final action in all respects.
  - p. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
  - q. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily 20 working days from receipt of a "perfected" FOIA request).
3. Descriptions of the nine FOIA exemptions:
- a. **Exemption 1:** classified national defense and foreign relations information
  - b. **Exemption 2:** internal agency rules and practices
  - c. **Exemption 3:** information that is prohibited from disclosure by another federal law
  - d. **Exemption 4:** trade secrets and other confidential business information
  - e. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
  - f. **Exemption 6:** information involving matters of personal privacy
  - g. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an

impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual

- h. **Exemption 8:** information relating to the supervision of financial institutions
- i. **Exemption 9:** geological information on wells

#### IV. EXEMPTION 3 STATUTES

##### A. Exemption 3 Statutes Relied upon to Withhold Information

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
26 U.S.C. 6103		Same as below	DO	1
	Taxpayer Information	Church of Scientology Int'l v. United States Dep't of Justice, 30 F.3d 224, 235 (1st Cir. 1994).	TTB	18
		Same as above	OCC	0
			BEP	0
	Tax Return Information	Same as above	FMS	44

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency	
	Confidential Returns and Return Information: 26 USC § 6103 prohibits the disclosure of (1) tax returns and return information of third party taxpayers (section 6103(a)); (2) the standards used for selection of returns for examination (section 6103(b)(2)); and (3) a requester’s own return information if the release would seriously impair federal tax administration (section 6103(e)(7)).	White v. IRS, 707 F.2d 897 (6th Cir. 1983); Church of Scientology v. IRS, 484 U.S. 9 (1987); Aronson v. IRS, 973 F.2d 962 (1st Cir. 1992); Stebbins v. Sullivan, No. 90-5361, slip op. at 1 (D.C. Cir. July 22, 1992); Wishart v. Commissioner, C-97-20614-SW (N.D. Cal., decided August 6, 1998); Gillin v. IRS, No. 90-31 (D.N.H. Apr. 15, 1991), aff’d, 980 F.2d 819 (1st Cir. 1992); Casa Investors, Ltd. v. Gibbs, No. 88-2485, 1990 WL 180703 (D.D.C. Oct. 11, 1990); White v. IRS, 707 F.2d 897 (6th Cir. 1983); Chamberlain v. Kurtz, 589 F.2d 827 (5th Cir.1979), cert. denied, 444 U.S. 842 (1979); and others	IRS	1886	
			MINT	0	
			BPD	0	
			OTS	0	
			Same as above	TIGTA	38
			FinCEN	0	

18 U.S.C. 504		DO	0
		TTB	0
		OCC	0
		BEP	0
		FMS	0
		IRS	0
		MINT	0
		BPD	0
	OTS	0	

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
			TIGTA	0
			FinCEN	0

31 U.S.C. 5319			DO	0
			TTB	0
			OCC	0
			BEP	0
			FMS	0
	Bank Secrecy Act Records: Prohibits the disclosure of records. Generally used to withhold Currency Transaction Reports.	<i>Small v. IRS</i> , 820 F. Supp. 163 (D.N.J. 1992)		
			IRS	70
			MINT	0
			BPD	0
			OTS	0
			TIGTA	0
BSA Records	<i>Small v. IRS</i> , 820 F. Supp. 163 (D.N.J. 1992)		FinCEN	128

26 U.S.C. 6105			DO	0
			TTB	0
			OCC	0
			BEP	0
			FMS	0
	Confidential information arising under treaty obligations	<i>Tax Analysts v. IRS</i> , 217 F. Supp. 2d 23 (D.D.C. 2002)		
			IRS	3
			MINT	0
			BPD	0
			OTS	0
		TIGTA	0	
		FinCEN	0	

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency	
Rule 6(e) of the Federal Rules of Criminal Procedure			DO	0	
			TTB	0	
			OCC	0	
			BEP	0	
			FMS	0	
	Part of the Federal Rules of Criminal Procedure – Grand Jury Secrecy: regulates matters occurring before the Grand Jury. Used to withhold records used in Grand Jury proceedings	<i>Fund for Constitutional Gov't v. National Archives &amp; Records Service</i> , 656 F. 2 <sup>nd</sup> 856, 867 (D.C. Cir. 1981); <i>Walston v. U.S. Department of Justice</i> , 799 F. Supp. 193, 195 (D.D.C. 1992).		IRS	15
			MINT	0	
			BPD	0	
			OTS	0	
		Same as above	TIGTA	1	
			FinCEN	0	
			DO	0	
		TTB	0		
		OCC	0		
		BEP	0		
		FMS	0		

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
18 U.S.C. 701	Official Badges, identification cards. Prohibits the reproduction of official identification media. Used to withhold copies of IRS employee identification badges and pocket commissions.	Not litigated	IRS	41
			MINT	0
			BPD	0
			OTS	0
			TIGTA	0
			FinCEN	0

5 U.S.C. 7114			DO	0
			TTB	0
			OCC	0
			BEP	0
			FMS	0
			IRS	0
			MINT	0
			BPD	0
			OTS	0
			TIGTA	0
			FinCEN	0

			DO	0
			TTB	0
			OCC	0
			BEP	0
			FMS	0

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
41 U.S.C. 253 (b)	Protects the solicitations of unsuccessful bidders in a competitive proposal. This provision is used to withhold the unsuccessful bidder's contract proposal as well as information in the winning solicitation that was not incorporated into the contract.	<i>Hornbostel v. Dept of Interior</i> , No.02-0523, 2003 WL 23303294 (D.D.C., 2003)	IRS	9
			MINT	0
			BPD	0
			OTS	0
			TIGTA	0
			FinCEN	0

26 U.S.C. 7602(c)(3)(B)			DO	0
			TTB	0
			OCC	0
			BEP	0
			FMS	0
			IRS	0
			MINT	0
			BPD	0
			OTS	0
			TIGTA	0
		FinCEN	0	

			DO	0
			TTB	0

Statute	Type of Information Withheld	Case Citation	Number of Times Relied upon per Component	Total Number of Times Relied upon per Agency
31 U.S.C. 5218(g)(3)			OCC	0
			BEP	0
			FMS	0
			IRS	0
			MINT	0
			BPD	0
			OTS	0
			TIGTA	0
			FinCEN	0



## V. FOIA REQUESTS.

### A. Received, Processed and Pending FOIA Requests.

	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
DO	1557	1099	890	1766
TTB	8	86	93	1
OCC	23	2693	2681	35
BEP	2	69	71	0
FMS	9	322	329	2
IRS	983	14405	14507	881
MINT	1	76	75	2
BPD	0	119	119	0
OTS	57	818	831	44
TIGTA	16	220	218	18
FinCEN	2	166	166	2
AGENCY OVERALL	2658	20073	19980	2751

## B. (1) Disposition of FOIA Requests – All Processed Requests (continued below)

	Number of Full Grants	Number of Partial Grants/Partial Denials	Number of Full Denials Based on Exemptions
DO	111	162	21
TTB	21	35	12
OCC	2295	87	65
BEP	25	16	4
FMS	45	63	52
IRS	4914	2191	133
MINT	33	8	2
BPD	38	10	0
OTS	460	180	54
TIGTA	15	76	7
FinCEN	11	25	101
AGENCY OVERALL	7968	2853	451

## B.(1) Disposition of FOIA Requests (continued from above)

## Number of Full Denials Based of Reasons Other Than Exemptions

No Records	All Records Referred to Another Component or Agency	Request Withdrawn	Fee-Related Reason	Records Not Reasonably Described	Improper FOIA Request for Other Reason	Not Agency Record	Duplicate Request	Other *Explain in chart below	TOTAL
113	30	24	224	118	44	0	15	28	890
12	4	0	0	0	6	3	0	0	93
116	43	24	1	4	22	20	4	0	2681
15	2	3	3	3	0	0	0	0	71
58	23	4	25	9	1	46	1	2	329
1463	165	132	188	1032	4126	74	89	0	14507
14	2	1	0	0	11	4	0	0	75
42	13	0	0	2	0	14	0	0	119
58	5	42	3	2	5	13	9	0	831
24	15	4	3	0	63	5	6	0	218
24	2	1	0	0	2	0	0	0	166
1939	304	235	447	1170	4280	176	124	30	19980

B. (2) Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions (from Section V. B(1) Chart

	Description of "Other" Reasons for Denials from Chart B(1) & Number of Times Those Reasons Were Relied Upon	TOTAL
DO	Still interested letter uninterested -28	28
TTB		0
OCC		0
BEP		0
FMS	Documents available next month - 1 Sent to FMS in error - 1	2
IRS		0
MINT		0
BPD		0
OTS		0
TIGTA		0
FinCEN		0

## B. (3) Disposition of FOIA Requests - Number of Times Exemptions Applied:

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
DO	9	56	11	64	60	127	1	0	26	7	7	6	6	0
TTB	0	1	18	18	10	14	2	0	0	0	1	0	0	0
OCC	0	2	0	49	39	35	2	2	2	3	3	2	113	0
BEP	1	3	0	9	3	12	2	0	1	0	2	1	0	0
FMS	0	2	45	3	0	99	0	0	0	0	0	0	0	0
IRS	0	116	1960	38	518	560	400	0	896	38	806	3	0	0
MINT	0	1	0	2	4	7	0	0	0	0	0	2	0	0
BPD	0	0	0	5	0	2	0	0	0	0	0	0	0	0
OTS	0	0	0	200	55	126	3	0	12	0	4	0	186	0
TIGTA	0	16	38	1	10	2	0	0	73	8	7	3	0	0
FinCEN	0	12	128	0	3	22	0	0	18	3	19	0	1	0
AGENCY OVERALL	10	209	2200	389	702	1006	410	2	1028	59	849	17	306	0

## VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

### A. Received, Processed and Pending Administrative Appeals

	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
DO	13	36	20	29
TTB	7	7	9	5
OCC	8	28	12	24
BEP	1	8	8	1
FMS	1	7	8	0
IRS	42	241	223	60
MINT	0	3	3	0
BPD	0	3	3	0
OTS	0	8	8	0
TIGTA	4	20	23	1
FinCEN	0	4	4	0
				0
<b>AGENCY OVERALL</b>	<b>76</b>	<b>365</b>	<b>321</b>	<b>120</b>

### B. Disposition of Administrative Appeals – All Processed Appeals

	Number Affirmed on Appeal	Number of Partially Affirmed & Partially Reversed/ Remanded on Appeal	Number of Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
DO	16	0	4	0	20
TTB	5	4	0	0	9
OCC	2	2	2	6	12
BEP	1	5	1	1	8
FMS	5	2	1	0	8
IRS	220	1	0	2	223
MINT	2	0	0	1	3
BPD	2	1	0	0	3
OTS	3	5	0	0	8
TIGTA	10	12	1	0	23
FinCEN	4	0	0	0	4
<b>AGENCY OVERALL</b>	<b>270</b>	<b>32</b>	<b>9</b>	<b>10</b>	<b>321</b>

## C. (1) Reasons for Denial on Appeal – Number of Times Exemptions Applied

	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)	Ex. 7(E)	Ex. 7(F)	Ex. 8	Ex. 9
DO	0	0	3	3	5	7	0	0	0	0	0	0	0	0
TTB	0	1	2	3	4	2	0	0	0	0	0	0	0	0
OCC	0	0	0	0	1	0	1	0	0	0	0	0	3	0
BEP	0	3	2	1	2	2	0	0	0	0	0	0	0	0
FMS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IRS	0	4	62	12	34	24	23	1	34	2	21	1	0	0
MINT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BPD	0	0	0	1	0	0	0	0	0	0	0	0	0	0
OTS	0	0	0	3	4	0	0	0	0	0	0	0	5	0
TIGTA	0	2	11	0	1	0	0	1	18	1	1	0	0	0
FinCEN	0	0	3	0	0	1	0	0	1	0	1	0	0	0
<b>AGENCY OVERALL</b>	<b>0</b>	<b>10</b>	<b>83</b>	<b>23</b>	<b>51</b>	<b>36</b>	<b>24</b>	<b>2</b>	<b>53</b>	<b>3</b>	<b>23</b>	<b>1</b>	<b>8</b>	<b>0</b>

## C. (2) Reasons for Denial on Appeal – Reasons Other than Exemptions

	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records Not Reasonably Described	Improper Request for Other Reasons	Not Agency Record	Duplicate Request or Appeal	Request in Litigation	Appeal Based Solely on Denial of Request for Expedited Processing	Other Explain in chart below
DO	0	0	0	0	0	0	0	0	0	0	1
TTB	2	0	0	1	0	0	0	0	0	0	0
OCC	0	0	0	0	0	0	0	0	0	0	6
BEP	0	0	0	0	0	0	0	0	0	0	1
FMS	6	1	0	0	0	0	0	0	0	0	0
IRS	37	0	0	8	2	13	0	1	0	0	40
MINT	2	0	1	0	0	0	0	0	0	0	0
BPD	2	0	0	0	0	0	0	0	0	0	0
OTS	2	0	0	0	0	0	0	0	0	0	1
TIGTA	0	0	0	0	0	0	0	0	0	0	0
FinCEN	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>51</b>	<b>1</b>	<b>1</b>	<b>9</b>	<b>2</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>49</b>

## C. (3) Reasons for Denial on Appeal – “Other” Reasons from Section VI. C (2) Chart

	Description of "Other" Reasons for Denials from Chart B(1) & Number of Times Those Reasons Were Relied Upon	TOTAL
DO	records already released	1
TTB		0
OCC	not a FOIA	6
BEP	Appeal was not filed timely	1
FMS		0
IRS	Untimely Appeal-12; Records Already Released-13; Imperfect FOIA Request-3; Adequate Search-12	40
MINT		0
BPD		0
OTS	No grounds	1
TIGTA		0
FinCEN		0

## C. (4) response Time for Administrative Appeals

	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
DO	39	63	20	167
TTB	130.0	71.89	1	260
OCC	0	4.5	0	36
BEP	20	18.25	9	20
FMS	14	13	7	20
IRS	64	69.5	8	181
MINT	9	10	2	19
BPD	10	11	8	11
OTS	22	25	7	47
TIGTA	13	32	1	335
FinCEN	6.5	7	6	9
TOTAL:	50.5	61.3	0	335





## VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

### A. Processed Requests

	Simple				Complex				Expedited Processing			
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
DO	0	0	0	0	147	360	2	3668	82	88	2	178
TTB	9	10.5	1	29	14	14	14	14	0	0	0	0
OCC	4	9	1	10	6	13	1	20	2	3	1	5
BEP	7	7.8	1	20	26	17.9	1	27	0	0	0	0
FMS	0	0	0	0	5	7	1	31	0	0	0	0
IRS	0	0	0	0	15	24.8	0	988	14	27.1	5	66
MINT	0	0	0	0	35	12.9	1	71	29	29	5	53
BPD	0	0	0	0	3	5.2	1	37	0	0	0	0
OTS	0	0	0	0	9	30	0	583	0	0	0	0
TIGTA	15	17	0	73	31	31	0	90	0	0	0	0
FinCEN	2	2.3	1	5	7	10.2	1	50	0	0	0	0
Agency Overall	6	10.8	0	73	14	47.6	0	3668	74	81.6	0	178





## D. Pending Requests

1.

	Simple			Complex			Expedited Processing		
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
DO	0	0	0	452	265	542	42	90	93
TTB	2	14	14	1	14	14	0	0	0
OCC	35	4	14	10	6	13	5	0	9
BEP	0	7	7.8	0	20	16.9	0	0	0
FMS	0	0	0	2	2	2	0	0	0
IRS	0	0	0	881	12	27.5	0	0	0
MINT	0	0	0	2	11	11	0	0	0
BPD	0	0	0	0	0	0	0	0	0
OTS	0	0	0	44	28	69	0	0	0
TIGTA	18	12	9	0	0	0	0	0	0
FinCEN	0	0	0	2	3	3	0	0	0
Agency Overall	55	9.5	8.5	1394	21	191.1	47	90	85

## E. Pending Request – Ten Oldest Pending Perfected Request

		10th Oldest Request	9th	8th	7th	6th	5th	4th	3rd	2nd	Oldest
DO	Date of Receipt	4/26/2002	4/17/2002	4/3/2002	1/28/2002	1/28/2002	6/15/2001	4/26/2001	2/21/2001	1/31/2001	9/9/1999
	# of Days Pending	2712	2721	2735	2799	2799	3027	3077	3141	3161	3671
TTB	Date of Receipt	0	0	0	0	0	0	0	0	0	9/10/2009
	# of Days Pending	0	0	0	0	0	0	0	0	0	14
OCC	Date of Receipt	9/30/2009	9/29/2009	9/25/2009	9/24/2009	9/18/2009	9/23/2009	9/17/2009	9/16/2009	9/11/2009	9/10/2009
	# of Days Pending	0	1	3	6	5	7	10	11	13	20



## VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

### A. Requests for Expedited Processing

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
DO	57	28	7	10	64
TTB	0	0	0	0	0
OCC	103	66	0	1	150
BEP	0	0	0	0	0
FMS	11	0	1	3	10
IRS	6	7	0	11.2	10
MINT	1	1	29	29	1
BPD	0	0	0	0	0
OTS	0	0	0	0	0
TIGTA	0	2	12	12	1
FinCEN	0	0	0	0	0
Agency Overall	178	104	7	10.5	236

### B. Requests for Fee Waiver

	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
DO	66	44	40	42	24
TTB	0	0	0	0	0
OCC	24	25	0	1	49
BEP	2	1	3	3	0
FMS	0	8	1	3	7
IRS	70	29	7	16.8	54
MINT	1	1	14.1	14.1	0
BPD	0	0	0	0	0
OTS	0	0	0	0	0
TIGTA	1	5	8	10	5
FinCEN	0	0	0	0	0
Agency Overall	164	113	17	28.6	139

## IX. FOIA PERSONNEL AND COSTS

	Personnel			Costs		Total Costs
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litigation-Related Costs	
DO	20	5.9	25.9	\$1,814,057	\$151,568	\$ 1,965,625.00
TTB	1	4	5	\$129,214.00	0	\$129,214.00
OCC	6	2	8	\$949,342.00	0	\$ 949,342.00
BEP	2	2	2	\$2,678,282.00	0	\$2,678,282.00
FMS	0	4	4	\$374,511.00	\$25,000.00	\$399,511.00
IRS	10	55.7	65.7	\$8,807,197.88	\$757,431.36	\$9,564,629.24
MINT	2	0	2	\$193,439.00	0	\$193,439.00
BPD	1	0.2	1.2	\$145,000.00	0	\$145,000.00
OTS	2	3	5	\$402,103.00	0	\$402,103.00
TIGTA	0	3.41	3.41	\$ 442,091.00	0	\$ 442,091.00
FinCEN	1	0.7	1.7	\$168,857.00	0	\$168,857.00
Agency Overall	45	80.91	123.91	\$16,104,093.	\$933,999.	\$17,038,093.

**X. FEES COLLECTED FOR PROCESSING REQUESTS**

	Total Amount of Fees Collected	Percentage of Total Costs
DO	\$ 189,912.00	10%
TTB	\$ 5,046.00	4%
OCC	\$ 355,030.70	37.40%
BEP	\$ 835.86	0%
FMS	\$ 14,436.00	4%
IRS	\$ 257,352.05	3%
MINT	\$ 451.00	0%
BPD	\$ 261.48	0%
OTS	\$ 35,179.29	8.75%
TIGTA	\$ 35.40	0%
FinCEN	0	0%
Agency Overall	\$ 858,539.78	5%



## **XI. FOIA REGULATIONS**

Agencies must provide an electronic link to their FOIA regulations, including their fee schedule.

DO: [http://www.access.gpo.gov/nara/cfr/waisidx\\_09/31cfr1\\_09.html](http://www.access.gpo.gov/nara/cfr/waisidx_09/31cfr1_09.html)

TTB: <http://www.ttb.gov/foia/>

OCC: <http://www.occ.treas.gov/foia/foia.htm>

BEP: <http://www.moneyfactory.gov/foia.html>

FMS: <http://fms.treas.gov/foia>

IRS: <http://frwebgate.access.gpo.gov/cgi-bin/get-cfr.cgi?TITLE=26&PART=601&SECTION=702&TYPE=TEXT>

MINT: [www.usmint.gov](http://www.usmint.gov)

BPD: <http://www.treasurydirect.gov/foia.htm>

OTS: <http://www.ots.treas.gov/?p=FreedomOfInformationAct>

TIGTA: [http://www.treas.gov/tigta/important\\_foia.shtml](http://www.treas.gov/tigta/important_foia.shtml)

FinCEN: [http://www.fincen.gov/foia/foia\\_fees.html](http://www.fincen.gov/foia/foia_fees.html) and  
[http://www.fincen.gov/foia/foia\\_policies.html](http://www.fincen.gov/foia/foia_policies.html)

## XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

### A. Backlogs of FOIA Requests and Administrative Appeals

1. Provide below the number of FOIA requests and administrative appeals that were pending beyond the statutory time period as of the end of the fiscal year. (Such requests and appeals are considered “backlogged.”)
2. Note: The statutory time period is ordinarily 20 working days from receipt of a perfected request, see 5 U.S.C. § 552(a)(6)(A)(i), but may be extended up to 10 additional working days when “unusual circumstances” are present, see id. § 552(a)(6)(B)(i),

	Number of Backlogged Appeals as of End of Fiscal Year	Number of Backlogged Requests as of End of Fiscal Year
DO	13	382
TTB	5	0
OCC	0	0
BEP	0	0
FMS	0	0
IRS	60	182
MINT	0	0
BPD	0	0
OTS	0	21
TIGTA	0	0
FinCEN	0	0
Agency Overall	78	585

3. Discuss/explain the backlog here (optional).

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

	Number of Consultations Received from Other Agencies that Were Pending as of the Start of the Fiscal Year	Number of Consultations Received from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Processed During the Fiscal Year	Number of Consultations Received from Other Agencies that Were Pending as of the End of the Fiscal Year
DO	0	19	13	6
TTB	0	0	0	0
OCC	0	0	0	0
BEP	0	0	6	0
FMS	1	24	24	1
IRS	0	47	47	0
MINT	0	0	0	0
BPD	0	0	0	0
OTS	0	0	0	0
TIGTA	1	2	2	0
FinCEN	0	3	3	0
Agency Overall	2	95	95	7





D. Comparison of Numbers of requests from previous and current annual report – requests received, processed, and backlogged

	Number of Requests Received		Number of Requests Processed	
	Number of Requests Received During Fiscal Year from Last Year's Annual Report	Number of Requests Received During Fiscal Year from Current Annual Report	Number of Requests Processed During Fiscal Year from Last Year's Annual Report	Number of Requests Processed During Fiscal Year from Current Annual Report
DO	902	1099	620	890
TTB	121	86	120	93
OCC	3197	2693	3210	2681
BEP	83	69	85	71
FMS	262	322	257	329
IRS	14898	14405	15590	14507
MINT	103	76	106	75
BPD	141	119	141	119
OTS	779	818	800	831
TIGTA	253	220	246	218
FinCEN	168	166	177	166
Agency Overall	20907	20073	21352	19980

	Number of Backlogged Requests as of End of Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of Fiscal Year from Current Annual Report
DO	355	382
TTB	0	0
OCC	0	0
BEP	0	0
FMS	0	0
IRS	331	182
MINT	0	0
BPD	0	0
OTS	32	21
TIGTA	0	0
FinCEN	0	0
Agency Overall	718	585

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged.

	Number of Appeals Received		Number of Appeals Processed	
	Number of Appeals Received During Fiscal Year from Last Year's Annual Report	Number of Appeals Received During Fiscal Year from Current Annual Report	Number of Appeals Processed During Fiscal Year from Last Year's Annual Report	Number of Appeals Processed During Fiscal Year from Current Annual Report
DO	12	36	9	20
TTB	6	7	1	9
OCC	21	28	13	12
BEP	2	7	1	8
FMS	8	7	7	8
IRS	262	241	247	223
MINT	1	3	1	3
BPD	0	3	0	3
OTS	1	8	1	8
TIGTA	18	20	19	23
FinCEN	3	4	11	4
Agency Overall	334	364	310	321

	Number of Backlogged Appeals as of End of Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of Fiscal Year from Current Annual Report
DO	12	13
TTB	6	5
OCC	5	0
BEP	0	0
FMS	0	0
IRS	28	60
MINT	0	0
BPD	0	0
OTS	0	0
TIGTA	3	0
+FinCEN	0	0
Agency Overall	54	78



F. Discussion of Other FOIA Activities (Optional)

1. Provide here any further information about the agency's efforts to improve FOIA administration.

<http://www.treas.gov/foia/reading-room/foia-improvement-plan.pdf>

**DO:** Acquired additional contractor FOIA support during Summer 09 and backfilled a FOIA FTE. Utilized summer interns to facilitate administrative FOIA process. Successfully implemented detailee support for FOIA administration from Treasury bureaus during 2009.

**OCC:** acquired new software for FOIA tracking February 2009 allowing electronic submissions of requests.

**OTS:** Utilized summer interns to facilitate administrative FOIA process